

United States District Court

Southern

DISTRICT OF

New York

The United States for the Use and Benefit of
Platinum Mechanical, LLC

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

07 CIV. 3318

United States Surety Company, US Specialty
Insurance Company and The CFP Group, Inc.

BRIANT

ECF case

TO: (Name and address of defendant)

United States Surety Company, 20 W. Aylesbury Rd., Timonium, MD 21094
US Specialty Insurance Company, 13403 Northwest Freeway, Houston, TX 77040
The CFP Group, Inc. 1921 Gallows Road, Ste. 380, Vienna, VA 22182

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Paul G. Ryan, Esq.
Welby, Brady & Greenblatt, LLP
11 Martine Avenue
White Plains, NY 10606
(914) 428-2100

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

CLERK

DATE

APR 25 2007

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

LS 1/14/01
m 5/19/07**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07CIV3318

Purchased/Filed: April 25, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF

The United States for the Use and Benefit of Platinum Mechanical, LLC

Plaintiff

against

United States Surety Company, et al

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on May 4, 2007, at 2:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons and Complaint, Rule 7.1 Statement, Civil Cover Sheet, Judge's Rules and Electronic Filing Instructions Guidelines and Procedures on the The CFP Group, Inc, the Defendant in this action, by delivering to and leaving with Amy Lesch, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 1 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 307 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 23 Approx. Wt: 160 Approx. Ht: 5'9"
Color of skin: White Hair color: Blonde Sex: F Other: _____

Sworn to before me on this

9th day of May, 2007


DONNA M. TIDINGS

NOTARY PUBLIC, State of New York
No. 01TI4898570, Qualified in Albany County
Commission Expires June 15, 2007



Jessica Miller

Invoice•Work Order # SP0703829

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07CIV3318 AND FILED ON APRIL 25, 2007

ATTORNEY(S): Welby Brady & Greenblatt, LLP, Dimitrios Panagiotopoulos

Plaintiff

The United States for the Use and Benefit of Platinum Mechanical, LLC

vs

United States Surety Company, et al

Defendant

STATE OF NEW YORK: COUNTY OF ALBANY COUNTY, SS.:

John C Longton, III, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on April 30, 2007 at 1:05pm at NYS Supt. of Insurance, 1 Commerce Plaza, Albany, NY deponent served the within Civil Cover Sheet, Summons in a Civil Case and Complaint, Rule 7.1 statement ECF Rules and Judge Briant's Rules

on: United States Surety Company ' Defendant (herein called recipient) therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said

a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said

Civil Cover Sheet, Summons in a Civil Case and Complaint, Rule 7.1 statement ECF Rules and Judge Briant's Rules

CORPORATION

B ☒

By delivering to and leaving with Patrick Harrigan at 1 Commerce Plaza, Albany, NY

and that deponent knew the person so served to be the Attorney of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with a person of suitable age and discretion

at the said premises being the defendants/respondents

[] dwelling place (usual place of abode) [] actual place of business within the State of New York.

AFFIXING
TO DOOR
D ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.

MAILING TO
RESIDENCE
(use with C or D)E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on

MAILING TO
BUSINESS
(use with C or D)E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on

PREVIOUS
ATTEMPTS
(use with D)F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____ Date _____ Time _____

Day _____ Date _____ Time _____

Day _____ Date _____ Time _____

Deponent spoke with _____, who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT
DESCRIPTION
(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 36 - 50 Yrs. Approximate weight 161 - 200 Lbs. Approximate height 5' 9" - 6' 0" Sex Male

Color of skin White Color of hair Red Other

MILITARY
SERVICEX ☒

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-
SERVICE
H ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT. FEES

I ☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 30TH day of April, 2007

DONNA M. TIDINGS

NOTARY PUBLIC, State of New York

No. 01T14898570, Qualified in Albany County

Commission Expires June 15, 2007

John C Longton III

Attny's File No. 954.002

Invoice/Work Order # SP0703712

SERVICO, INC. - PO BOX 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07CIV3318 AND FILED ON APRIL 25, 2007

ATTORNEY(S): Welby Brady & Greenblatt, LLP, Dimitrios Panagiotopoulos

Plaintiff

The United States for the Use and Benefit of Platinum Mechanical, LLC

vs

United States Surety Company, et al

Defendant

STATE OF NEW YORK: COUNTY OF ALBANY COUNTY, SS.:

John C Longton, III, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on April 30, 2007 at 1:05pm at NYS Supt. of Insurance, 1 Commerce Plaza, Albany, NY deponent served the within Civil Cover Sheet, Summons and Complaint, Rule 7.1 Statement, ECF Rules, Judge Brient's rules

on: U.S. Specialty Insurance Company ' Defendant (herein called recipient) therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said Civil Cover Sheet, Summons and Complaint, Rule 7.1 Statement, ECF Rules, Judge Brient's rules

CORPORATION

B ☒

By delivering to and leaving with Patrick Harrigan at 1 Commerce Plaza, Albany, NY and that deponent knew the person so served to be the Attorney of the corporation. Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE AGE PERSON

C ☐

By delivering a true copy thereof to and leaving with a person of suitable age and discretion at the said premises being the defendants/respondents [] dwelling place (usual place of abode) [] actual place of business within the State of New York.

AFFIXING TO DOOR

D ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.

MAILING TO RESIDENCE (use with C or D)

E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on

MAILING TO BUSINESS (use with C or D)

E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on

PREVIOUS ATTEMPTS (use with D)

F ☐

Deponent had previously attempted to serve the above named defendant/ respondent Day Date Time Day Date Time Day Date Time Deponent spoke with who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT DESCRIPTION (Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 36 - 50 Yrs. Approximate weight 161 - 200 Lbs Approximate height 5' 9" - 6' 0" Sex Male Color of skin White Color of hair Red Other

MILITARY SERVICE

X ☒

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-SERVICE

H ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT. FEES

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 30th day of April, 2007

DONNA M. TIDINGS

NOTARY PUBLIC, State of New York
No. 01TI4898570, Qualified in Albany County
Commission Expires June 15, 2007

John C Longton, III

Attny's File No. 954.002

Invoice-Work Order # SP0703713

SERVICO, INC. - PO BOX 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179